NEW RULES

For the Guidance of the Supreme Court

In the Matter of Assign- Mrs. McDonald, Mobile Bend. ments of Error.

An Important Time-Saving Appliance Also Adopted

Resolutions of Respect in the Matter The Present Manager a Member of of the Late Chief Justice John C. Shields.

Four important rules were passed in supreme court yesterday which will be of great interest to the bar and which ectio two questions of practice conperming which practitioners have been division and have employed methods applicable to the apparent needs of the case in cand. The first three rules relate to the assignment of errors concerning which the bar has occupied a considerable part of two days in discuspost and are as follows:

The assignment of errors must dis-

To be distinct, the assignment must state the grile har riling complained of; if the parameter range complained of he been embodied as a life for a new trial with other rulings, any other mation, in a bill of exceptions. In this case of facts or otherwise in the record, must over-theless be set forth in the assignment aerors specifically, or it will be deemed

agained as error that the court erred ling a motion for a new trial, where as is eased upon more than one ground be (considered as distinct and specific, and a to such assisme liter is ground the motion relied upon as error in it must be separately and distinctly

inpose of the assignment of errors in mixture is to apprise the appellec of duals specific rulings of the trial court is a specific ruling so the trial court is a teutien of this court thereto, because to any ruing or action of the less will be deemed waived here, unsall have been assigned as error in the above provided.

some provided, sudment of errors bases provided, sudment of an assignment of errors based except upon a full showing by of excussive neglect, uponent of errors will be allowed in twhen none were filed in the district an additional assignment of errors younger of the parties here. In assigning the error in the giving chais to the part you the lower every, but thus, tatie whether the instruction to the particular tactor in the state of the particular tactor in the state of the particular tactor of the particular tacts of the exact application of the particular tacts of the exact application for the particular tacts of the exact application of of the exact appl

estruction contains more than one of aw, or contains a limits ton of a movition the as ignment shall pecify what proposition or limits

uplained of.

disal to give an instruction asked for
instant in the court below he as
error, the assignment must state the
try of such instruction to the fact of

llowing rule was also adopted, of argument la cases on appeal or error in this point the time occupied insited to one how on each side un on a written motion previously filed wierk and presented is the cent suffice to shown for an extension of time. soriered, three quarters of an hour bank be posintiff in error in which to Iva one hour to appelled to answer and one same of an hour to appellent for reply.

The arguments in the case of the Waterval Mining company vs C. W. Leach and E. B. Gage were concluded and the case was submitted. Unim-

Judge W. W. Parker in behalf of the has been connected with its history, committee previously appointed to draft resolutions of respect in the matter of the death of John C. Shields, late chief Alexander, Morris Asher, Bernard ratios of the territory submitted a report which was ordered to be placed on

A New Insurance Firm.

James A. Fish, lately of San Diego, but formerly of Denver, yesterday associated himself with B. A. Fickas in the general insurance business. Among the several companies represented by them is that of Brown, Craig & Co., of San Francisco. Mr. Fickas is well and lavorably known in the city, and both gentlemen have a thorough acquaintance with the insurance business.

PERSONAL.

Bert Spencer is still unable to leave Mrs. Cynthia Lyall, at the Windsor,

is quite ill of pneumonia. Fred Hewitt, lately of Los Angeles, is They

confined to his room with pneumonia. W. T. Barr who has beem confined to home for the past two weeks is slightly improved.

A. P. Ross and W. G. Connell are th seriously itl, the former of consumption, the latter of typhoid fever. There were registered at the Mills

house yesterday: C. C. Eysler, of Tucson, and J. S. Miller, Santa Ana, Cal. United States Marshal Paul returned to Tueson last night and his place in supreme court will be occupied by Tom

O. C. Vail of Los Angeles, has accapted a position with the Valley Abstract company and will become a citiren of Phoenix.

Mr. John Bryson, sr., of the Bryson-Bonebrake block, Los Angeles, and Maor Van Doren, also of Los Angeles, are in the city on business.

George T. Briggs, a prosperous landowner of Santa Ana, Cal., arrived in the city yesterday morning. Mr. Brigge has relatives in the city and will locate here permanently.

Harris Baldwin, of the law firm of Baldwin & Johnson, of Prescott, is in | child. the city on business in supreme court. Incidentally Mr. Baldwin is looking alter a vacancy in judicial circles to be created on or after March 4 next ensu-

A. J. Howell, who has charge of the Cross Seven Land & Cattle company, came down from Tonto Basin yesterday. Mr. Howell says that cattle in the basin have done well this winter and are in excellent condition. The grass has al-

ready started and everything is opening prosperously for the coming season. were: W. H. Ashton, Dayton, O.; a year.

Denver; James Sargent, Wisconsin; E. Los Angeles; W. H. Luke, Kingman; Sohn Bryson, st., and J. S. Van Doren, Los Angeles; E. H. Miller, San Diego; John Donnellson, J. F. Putnam and Mrs. N. F. Putnam, Salt Lake; Harris Baldwin, Prescott; A. P. Luke, El Paso; W. R. Starr, Mrs. B. H. Burgess, San Bernardino; Mrs. Patterson and Mrs. McDonald, Mesa; George E. Pills-bury Gila Bend

NEW MANAGEMENT.

The Goldman Liquor Store Sold.

one of the Largest Liquor Houses of San Francisco.

Louis Melezer of San Francisco a member of the well-known firm of Joseph Melezer and Co., wholesale liquor dealers at 504 and 506 Market street yesterday purchased the wholesale liquor department of the firm of Goldman and Co. The firm of Joseph Melczer and Co., control the entire output of the great Samuel's distillery in Kentucky. They are also sole agents for the Chas. Nelson and Green Brier distilleries of the Nashvile, Tenn., dis-trict. The trade from this point will have the benefit to be derived from the connection of Melczer and Co., with mines were no good. The prospective those famous distilleries.

Mr. Melezer was born and brought up in the wine growing district of Hungary and is consequently one of the best judges of wine in the country. He make a specialty of foreign and domestic wines and his customers will have the advantage from his judgment.

Mr. Meiczer assumed management yesterday. The stock of this local liquor house will be greatly increased and its affairs will be so managed that it will control the trade throughut th entire southwest,

Powder, Sold at E. F. Kellner's store,

RE-LOCATED.

Red Rover "Jumped" by Charlie Ramps,

An Old Miner Who Had Been Laying for It.

Ramps Says Last Year's Work extent than that enjoyed by any other city in the United States except those at Had Not Been Done.

The Owners Say It Was and Propose to See Prospector Ramps in the Court About It.

that Charlis Ramps, an old time miner a gold mine, and prospector, had "jumped" the Red Rover, one of the oldest and best known mines in the Cave Creek dis-trict. The Red Rover has had many owners, who have altogether done about \$30,000 worth of work upon it. pertant action was taken in a half Agreat deal of money has been taken of Flagstaff the Valua-

> Goldman and F. L. Godschaux. They have been in possession several years. No work has been done on the mine for some time, though the owners evi dently supposed enough had been done to make good their claim. Ramps him-self, had been employed to do certain work. Since early last December he has been camping in the neighborhood of the mine, watching with a great deal of interest any improvements that might be made before January 1 of this year. On January 2 he took with him five witnesses who examined the amount of work which appeared to have been done, and agreed that the requirements of the law had not been met The property was then formally relo-cated and the action filed in Yavapai county. Ramps' sudden appropriation of the mine is a surprise to the owners, of the mine is a surprise to the owners, who by no means intend to leave him in undisputed possession. In fact they laugh at his claims. They say that along early in December they sent a man up to the mine to perform the necessary work; he was well supplied, did all that was required to be done and is there yet. A prospector who came down from that district yesterday says that Ramps is there to stay and says he will be able to establish his claim in court. The property is too valuable to be permitted by either party to go by default so that more stubborn litigation is likely to

Diamond S. Baking Powder-the best goods at reasonable prices, at E. F. Kellner's store.

Death of A. G. Bradstreet,

A. G. Bradstreet died of pneumonia yesterday morning at his residence near Grand Avenue. The funeral will take place this afternoon. Mr. Bradstreet has for a long time been in ill health having contracted consumption previous to coming to the territory. He was formerly a member of a New York brokers firm, Broadstreet and Curtis and was later superintendent of the Phoenix Mine. He leaves a wife and

Dr. Ancil Martin, diseases eye, ea nose throat aspecialty. Glasses fitted

Death By Suffocation.

MONTREAL, Jan. 17 .- Arthur Allen the youngest son of the late Sir Hugh Allen met death by suffocation at the Eastby house this morning at his rooms. Investigation showed that he had probably fallen asleep and dropped a lighted cigar into a waste paper basket. His share of his father's estate Commercial hotel guests yesterday brought him a revenue of about \$40,000

Against the Agile Real Estate Dealer.

Who Lays Hold of the Monied Stranger

And Sings Him a Song About Corner Lots.

Real Estate Men Charged With Occupying the Manger When They Are Unable to Eat Hay.

Mining men are complaining bitterly of the course pursued by certain real estate agents whose rustling proclivities bring them into early communication with every stranger who lands in the city. The mining men say that among the thousands who have arrived in the city since last September there have been scores whose object in coming was into the hands of the real estate men who tried to prepare them for corner lot only in case he follows his settlement purposes by informing them that the mines were no good. The prospective mine owners, however, were bent on mining investments and wanted nothing else; they were not in search of climate, oranges or alfaifa, but wanted only silver, gold or copper.

Wrought upon at last by the lugubrious view of the mining situation presented by the real estate dealers, the would be investors went away with an uniavorable impression of the only feature of the territory which was of

the least earthly interest to them.

A case of this sort was brought to Delicious biscuits, cakes, pastry etc, are made with the Diamond S. Baking extensively interested in mines visited several business houses to ascertain if the mines tributary to Phoenix did not constitute an important element of the valley's prosperity. The information he received was monotonous but pleasing. He was told that the bulk of the commerce was carried on with the min-ning camps. The developed agricultural resources of the valley they admitted were great, but if the patronage drawn from the mines were cut off the effect won'd be sudden and ruinous. The Vulture, the Congress, the great Phoenix Mine, the Union, those of the Castle Creek, the Cave Creek and the diarqua Hala districts are pouring in a constant flood of wealth. The mining territory which drains the products of the mines toward Phoenix is greater in which smelters or reduction works are

The mining men suggest that it would pay the real estate men in the long run to convey the idea that Phoenix | He is supported by diversified industries an important one of which is mining. They also point out the difficulty and obstacles to be encountered in selling a Word reached the city yesterday that man a corner lot when he wants to buy

THE TOWN

ble Prize

zalez is Working.

to the Supreme Court.

A Brief History of the Action and the Most Important Feature of the Legal Dispute.

Briefs in an interesting and important ase were submitted last Saturday in supreme ceurt. It is that of Emma J. Gonzales appellant vs E. W. French and J. E. Jones as trustees for the inhabitants of Flagstaff. The action grew out of a claim by the plaintiff to the land covered by about half the town of Flagstaff. The land in dispute prior to 1878 when it was surveyed was occupied by McMillan et al with

a view of pre-empting it.

In 1883 the occupants sold their improvements and possessory rights to plaintiff who settled upon the land prior to the formation of the town of Flagstaff with a view of pre-emption and she subsequently attempted to file upon and enter the land. Her claim was supported in part by decisions under an act granting sections 16 and 26 to the state of California, sec. 7 of

which act provides: "That when any settlement by the erection of a dwelling house, or the cultivation of any portion of the land shall be made upon the sixteenth and thirtysixth sections before the same shall be surveyed, or when such sections may be reserved for public uses, or taken by private claims, other lands shall be se- 5 degrees than ever before known.

Harrison & Papago Sts.

the theory that the land in controversy was excepted from the reservation for school purposes, under the provisions of sec. 2.275. United States revised statutes by reason of the settlement of McMillan, et al., and remained subject to pre-emption. That section, however, conclusively refutes this view, it provides: "Where settlements, with a view to pre-emption have been made. vides: "Where settlements, with a view to pre-emption have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six; and the field of the field of the field of the field, which are found to have been making a speech upon the floor of the making a speech upon the floor of the floor. those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been, or shall be reserved or pledged for the use of schools or colleges, in the state or territory in which the lands lie, other lands of like quantity are appropriated in lieul of such as may be patented by pre-emptors; and other lands are also appropriated to compensate descriptions. ficiency for school purposes, where sections sixteen or thirty six are fractional in quantity, or where one or both are wanting by reason of the township be ing fractional, or from any natural cause whatever." The word "such" in the act, manifestly refers to the settler upon the land prior to the survey, and cial circles. to invest in mining property. They fell the exception is by express terms limited to him and inures to his benefit reservation for school purposes. In this case it is expressly admitted that the persons alleged to have been living upon the land at the time of the survey with a view to pre-emption, abandoned their intent to pre-empt, and not only did not follow up their settlement to patent, but sold their improvements

> years after the survey, which deter-mined its character as school land. ilad McMillan et al. followed their settlement up to patent, and then con-veyed to plaintiff, the situation would have been materially changed.

This is only one but perhaps the most important point in the case.

There seems to be no do bt that the plaintiff's case is utterly without foundation yet the litigation is decidedly annoving to property owners bolding M. Doe is in the city representing the interests of the defendants.

DUTY ON SUGAR.

Henry Watterson Would Re-Impose It.

Professes to Guided Solely

By the Great Principle of Tariff for Revenue Only.

An Array of Figures Does not Alter the Fact that Sugar Has Been

Cheapened.

Press. - Henry Watterson has written For Which Emma J. Gon- a letter to the Republic in which he takes strong grounds in favor of imposing a duty on sugar. He says:

"The McKinley act makes sugar the subject of two specifications. The first The Case Recently Submitted embraces a tariff on refined sugars, imposed for the benefit of the sugar trust, and yielding that "Infant industry" about \$15,000,000 annually; the second is a bounty of 2 cents a pound to be paid those who produce native raw sogars, aggregating about \$9,000,000 annually, the sum total costing the con-sumers of sugar an annual increase of about \$24,000,000, and the treasury the loss of nearly \$50,000,000 of annual revenue. Now of all the revenue vielding schedules, sugar brought most of revenue to the treasury and least of protection to the producer, pressing lightest on the consumer. strictly a revenue duty, and in advo-cating a uniform duty of 1/2 cent per pound on all sugars, and the abolition of the sugar bounty altogether, I am arrayed strictly on the side of the principle of a tariff revenue for only, and in the extremest opposition to the pro-tective theory of taxation."

Burned to Death.

Los Angeles, Jan. 17.—Mrs. M. F. Woodward, wife of a prominent attorney of this city, met with a horrible death at Sierra Madre yesterday afternoon. cidentally upset an oil stove setting fire to her clothing. Her husband who is an invalid carried his wife into a bed room and covered 'her with clothing, Her lower limbs were horribly burned. Death followed in three hours.

Crimpy in Kentucky.

Мірріквово, Ку., Jan. 17.-The mercury reached 22 degrees below zero at 2:20 this morning. This is colder by be regarded as fair examples of the so-

BE YOUR OWN DOC FOR.

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MRS. R. BEAUVAIS, General Agent for Arizons.

Ageneral demorrer was entered to

His Receptions.-Attorney General Miller's Famous "Indianapolis Punch" -A Temperate City.

[Special Washington Letter.]

During the first session of the present congress the country was surprised and aroused by the charge, openly made by Mr. Watson, of Georgia, that a member of the house of representatives had house. The charge was investigated by a committee composed of members of the house, and, after taking voluminous testimony, it was decided that the charge was without foundation. Nevertheless, the impression prevails impression.

It is true that it is customary in society here, as it is in the social circles of other cities, to have wine at banquets and receptions; but it is not true that this custom is always observed in offi-

It is well known that the present administration is dominated by the influence of a home-loving, God-fearing, temperate man. The views of Mrs. Harrison on the subject of temperance were of such a pronounced character that from the moment of her advent into the white house all alcoholic liquors were banished. However, at state dinners, in obedience to the custom of a century, wines have been served: but the guests, knowing the sentiments of their host and hostess, touched them very sparingly. On the president's private table wine is never to plaintiff and abandoned the land.

Plaintiff didnot pretend to have settled upon the land until some five never allowed in the preparation of a

president, never has served anything in the nature of an intoxicant at her Wednesday afternoon receptions. For those who do not care for hot tea and chocolate there is always prepared a large bowl of cafe frappe. At her evening eard receptions, however, when the company is smaller than when the general public is admitted, as is the case lands in the disputed territory. Mr. E. on Wednesdays, a bowl of punch is M. Doe is in the city representing the pinced at one side of the square entrance hall. Mrs. Morton is an abstemious woman, and, while declining to prescribe any set course of action for others, is personally opposed to the indiscriminate serving of punch at afternoon receptions, or indulging in wines at luncheous and dinners.

Mrs. Morton, the wife of the vice

Postmaster General and Mrs. Wannmaker have found an agreeable substitute for punch in a fragrant compound of orangeade and fresh strawberries. They have the courage of their own onvictions in the matter of serving liquor in any form, even at their cabinet dinners, where nothing stronger than Apollinaris water is allowed.

Attorney General and Mrs. Miller have also made a departure from the usual order of things by introducing, instead of punch, a compound for which they alone have the recipe. Although frequently importuned to impart the secret, they laughingly refuse, avowing that none but themselves can properly brew "Indianapolis punch," in which raspberry vinegar and lemon juice predominate.

Spr 'eer Crisp and ex-Speaker Reed are t temious men, and their families Sr. Louis, Mo., Jan. 16 - [Associated] are like unto them in this regard. See. newspaper man who has been here for



HON, THOMAS E. WATSON, OF GEORGIA.

of the treasury department, have lived temperate and commendable public and private lives in Washington. The late secretary of the treasury, Mr. Windom, was a pronounced temperance advocate. In fact, the temperance sentiment seems to prevail in the entire administration, and the legislative circles as well. It is very clear to my mind that the popular impression concerning tipcause it is exaggerated. It is true that While cooking a meal she ac- individuals here, as elsewhere, indulge in strong drink.

A few members of the house of representatives are drinking men; but they do not usually include their appetites during the day, and hence are not under the baneful influence while congress is in session. They surrender to their unfortunate desires only at night. cial circles of official society in the na-

tional capital. In a public address recently delivered here, the speaker-Gen. Cutcheon-asserted that the social customs of Washington were responsible for much of the evil resulting from the use of intoxicating drinks. Men and women, he said were tempted beyond what they were able to bear, lost their moral balance, and drifted into lives of sin. He knew of "no other city in the country where there was so much wine drink-

This is unfair, and untrue. Nearly everyone of our priests and pastors has denied the truth of the statement made, mainly because it is an exaggeration. An Episcopal rector, who has long resided here, says: "It seems to me not only

lected by the proper authorities of the THE CUP THAT CHEERS. untair, but impossible, to institute state in lieu thereof." comparisons between cities in regard to the plaintiff's till by Hon. W. H. Stewart, E. M. Doe and W. L. Van Horn for the trustees. The demurrer was sustained in the district court. The plaintiff's action was based upon the theorem of the district court. The plaintiff's action was based upon the theorem of the theor seen many cities of the United States I have intimate acquaintance with only one besides the city of Washington. So far as external appearances go, there is certainly much less intemperance to be seen in the streets of Washington than is visible publicly in New Yorkeity. Aside from inherited tendencies, the two chief causes of intemperance among ordinary men seem to be idleness and want. A great many of the poor resort to drink because they are in want of good sustaining food. Certainly there is much less of this sort of drinking in Washington than in any other cities in this country."

> That last sentence contains more than a modicum of truth. It seems to cover the case completely. There is very little enforced idleness and consequent want in this city. Only those who will not work are idle and penniless. The seat of government being here, and over one and a half million dollars being disbursed here every month, gives us considerable of a circulating medium in excess of the amount usually available in cities of equal population. Hence, there is less idleness and want here than in other cities. Consequently there is less drunkenness.

"I am very sorry that such a statement was made by a prominent man,"



says a Catholic priest who has been traveling in the west for some times Statements of that character have given Washington an undeservedly lead name. While traveling I have been grieved to hear exaggerated and nawarranted statements made against the social customs of the capital. Every patriotic American should have the reputation of this city at heart, and be goarded against making destructive criticisms which are calculated to belittle the national capital in the opinions of the people of the country."

While denouncing and refuting the allegations concerning the condition of social and official circles in this partienlar, I am constrained to admit that there was much original foundation for the thought of the country concerning the tippling habit in Washington. Before the war, during and immediately after that struggle, it was customary and not unbecoming for men to drink freely, deeply and sometimes excessive-ly. It was almost always expected, when gentlemen were introduced, for one or both of them to follow the intreduction with an invitation to take a drink at some bar. A well-known retary John Foster, of the department of state, and Secretary Charles Foster, Rawlins and I were here as army officers, in common with many others, with nothing to do but draw pay for several years after the war, and we played billiards four or five hours every day, just to kill time. Between games we were constantly meeting friends and being introduced to newcomers here, with the result that I acquired the drinking babit, whi h has clung to me ever since and minimised my usefulness. I am glad to be able to say, however, that there is pinety per cent. less drinking in this city now than there was twenty-five years ago."

My own experience here corroborates and emphasizes that statement. The growth of the temperance sentiment throughout this country has been kept pace with by the growth of a similar sentiment in this city. The temperance workers throughout the republic may thank God and take courage, for every effort put forth by them in their own communities has a reflex influence upon the social life of the governmental city. Members of congress, senators, cabinet ministers and all pub-He officials here feel that the eyes of the people are upon them; and they know that the hearts of the people are inclined towards sobriety and temper-SMITH D. FRY.

Why He Was Followed.

He was going home to his wife and family. It was growing dark. His road from the station was a lonely one, and he was getting along as fast as he could, when he suddenly suspected that a man behind him was following him purposely. The faster he went the faster the man went, until they came to a churchyard. "Now," he said to himself, "I'll find out if he's after me," and he entered the churchyard. The man followed him. Vague visions of revolvers and garroters grew upon him. He made a detour of a splendid mausoleum. Still the man was after hand, round and round. At last he turned and faced the fellow, and asked: "What the dickens do you want? What are you following me for?" "Well, sir, do you always go home like this? I am going up to Mr. Fitzkrown's house with a parcel, and the porter at the station told me that if I'd follow you I should find the place, as you lived next door. Are you going home at all to-nighton-Melbourne City and Country.

Coming Out Strong.

The Nurse-It's twins, Mr. Olson: Papa Olson (with a brave effort to be cheerful)-Vell, shveeds to de Shveedel

-Chicago Tribune.